

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF NEW YORK  
34 VIACOM INTERNATIONAL, INC., COMEDY )  
5 PARTNERS, COUNTRY MUSIC. )  
6 TELEVISION, INC., PARAMOUNT )  
7 PICTURES CORPORATION, and BLACK )  
8 ENTERTAINMENT TELEVISION, LLC, )

9 Plaintiffs, )

10 vs. )

11 NO. 07-CV-2103

12 YOUTUBE, INC., YOUTUBE, LLC, )  
13 and GOOGLE, INC., )

14 Defendants. )

15 THE FOOTBALL ASSOCIATION PREMIER )  
16 LEAGUE LIMITED, BOURNE CO., et al., )  
17 on behalf of themselves and all )  
18 others similarly situated, )

19 Plaintiffs, )

20 vs. )

21 NO. 07-CV-3582

22 YOUTUBE, INC., YOUTUBE, LLC, and )  
23 GOOGLE, INC., )

24 Defendants. )

25 VIDEOTAPED DEPOSITION OF KENT WALKER  
PALO ALTO, CALIFORNIA

THURSDAY, DECEMBER 17, 2009

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR  
CSR LICENSE NO. 9830  
JOB NO. 18312

Figueira Decl. Tab

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2 A One, I have no idea what other people --  
3 there were a number of people in the company who were  
4 engaged with Viacom in a whole variety of context that  
5 I'm not familiar with.

6 Q Understood.

7 A So I don't know what they may or may not have  
8 offered. With regard to my conversation with  
9 Mr. Fricklas, I don't remember whether Audible Magic  
10 came up, I don't remember whether he asked for it, I  
11 don't remember whether I offered it or didn't offer  
12 it. I just don't recall.

13 The reason for that was that it was and still  
14 is my understanding that Audible Magic is more --  
15 while it's not a great tool, it relatively is more  
16 suited for audio content, music content, primarily,  
17 than is for video content. In part because of the --  
18 the reasons we talked about before, that video is much  
19 more information dense, it's a much harder search  
20 problem, and that the -- the Audible Magic technology  
21 hadn't evolved in a way that would make it usable or  
22 useful for Viacom to -- to implement.

23 There's another distinction as well, which  
24 is, music content is perhaps uniquely legally complex  
25 because of the number of overlapping and sometimes

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2 inconsistent rights associated with it. There are a  
3 wide number of different rights that are owned by the  
4 performer, the creator, the -- the publishers, the  
5 labels, the collecting societies in Europe, et cetera,  
6 and each of those entities can own multiple rights,  
7 which sometimes align and sometimes do not.

8 As a result of that, there are complexities  
9 associated with that, which I believe the Audible  
10 Magic system had been optimized for, both in terms of  
11 the technological operation of the system and the  
12 assembly of a database, which was designed to track  
13 all of the -- the complex music rights associated with  
14 it.

15 As the name Audible Magic itself suggests, it  
16 was a music tool, at least that was my understanding.

17 MR. SCHAPIRO: Let's -- let's take a break  
18 for five minutes.

19 THE VIDEOGRAPHER: The time is 10:47.

20 Off the record.

21 (Recess taken.)

22 THE VIDEOGRAPHER: The time is 10:57.

23 On the record.

24 MR. DESANCTIS: Mr. Walker, before we just  
25 took a short break, you were describing for me certain